

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

COLT MICHAEL IRONS,
Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner
of Social Security,¹

Defendant.

Civil No. 6:24-cv-00135-GLJ

OPINION AND ORDER

Claimant, Colt Michael Irons, is the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney’s fees in the amount of \$5,827.30 for 21.3 hours of attorney work and 3.7 hours of paralegal work, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 20, Ex. 2]. The Commissioner has no objection to the fee award [Docket No. 21].

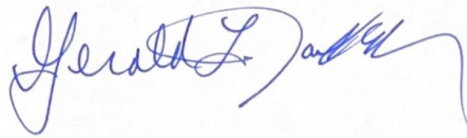
Upon review of the record herein, the Court finds that the requested amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also*

¹ On November 30, 2024, Carolyn Colvin became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. Colvin is substituted for Martin O’Malley as the Defendant in this action.

Manning v. Astrue, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Plaintiff’s Application for Award of Attorney’s Fees Under the Equal Access to Justice Act [Docket No. 20] is hereby granted and that the Government is therefore ordered to pay the above-referenced amount to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 6th day of December, 2024.

A handwritten signature in blue ink, appearing to read "Gerald L. Jackson", is written over a light blue horizontal line.

GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE